

Appl. No. 09/712,935
Amdt. dated February 4, 2005
Reply to Office Action of January 13, 2005

REMARKS

Prior to this Amendment, claims 1, 3-9, 11, 12, 14, 15, and 20-23 were pending in the application.

Claim 1 is amended to address a statutory subject matter rejection and to include the limitations of allowable dependent claim 6, which is canceled.

Similarly, independent claims 9 and 12 are amended to include the limitations found in allowable dependent claim 6.

In response to a restriction requirement, claims 20-23 are withdrawn as not being to an elected species, and claims 4 and 15 are canceled to place the case in better condition for allowance.

Claims 1, 3, 5, 7-9, 11, 12, 14, and 20-23 are pending, and claims 1, 3, 5, 7-9, 11, 12, and 14 remain for consideration by the Examiner with claims 20 and 21, which depend from claim 1, and claims 22 and 23, which depend from claim 12, being withdrawn but still pending in the application.

Election/Restrictions

In the Office Action, the Examiner restated a restriction requirement and stated that claims 1, 3, 5-9, 11, 12, and 14 were elected for examination, and Applicants verify with this Amendment that election. Claims 4 and 15 are canceled, and claims 20-23 stand withdrawn from consideration.

Allowable Subject Matter

In the Office Action, dependent claim 6 was objected to as being dependent upon a rejected base claim but was found to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 is amended to include the limitations of claim 6, which is canceled. This action rewrites allowable claim 6 in independent form, and as a result, claim 1 and claims 3, 5, 7, and 8, which depend from claim 1, are believed in condition for allowance.

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Similarly, independent claims 9 and 12 are amended to include the limitations of allowable claim 6. As a result, claims 9 and 12 and claims 11, 14, and 20-23, which depend from either claim 9 or claim 12, are believed in condition for allowance.

Rejections Under 35 U.S.C. §101

In the Office Action, claims 1, 3, and 5-8 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claim 1, from which claims 3 and 5-8 depend, is amended to clarify that the method is computer based and that it involves use of a communications network (i.e., is not just online in the preamble). Applicants believe these amendments address this rejection, and claims 1, 3, 5, 7, and 8 are now directed to proper statutory subject matter.

Rejections Under 35 U.S.C. §103

Additionally, in the Office Action, claims 1, 3, 5, 7-9, 11, 12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,835,896 ("Fisher"). This rejection is traversed based on the following remarks.

Claim 1 is amended to rewrite allowable claim 6 in independent form. As a result, claim 1 and claims 3, 5, 7, and 8, which depend from claim 1, are believed allowable over Fisher, which does not show, at least, the limitations of now-canceled claim 6.

Independent claims 9 and 12 include limitations similar to that presented in claim 1, in different form, and are also amended to include the limitations of claim 6. Hence, claims 9 and 12, and claims 11, 14, and 20-23, which depend from claim 9 or claim 12, are believed allowable over the teachings of Fisher.

Note, claims 20-23 are withdrawn from consideration, but Applicants believe they should be considered by the Examiner and allowed with their base claims.

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Conclusions

In view of all of the above, the pending claims are believed to be allowable and the case in condition for allowance. Applicants request that a timely Notice of Allowance be issued in this case.

No fees are believed to be required with the Response but should any be required, please charge them to Deposit Account 50-1123.

Respectfully submitted,

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